

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, REZONE TO
PLANNED DEVELOPMENT, AND A TENTATIVE SUBDIVISION MAP FOR
CONSTRUCTION OF A MIXED-USE (COMMERCIAL/RESIDENTIAL) BUILDING
AT 1300 EL CAMINO REAL & ADJACENT CIVIC LANE ALLEYWAY
(APPL. NO. 2006-0012)**

WHEREAS, Parviz Kamangar, owner/applicant, requests Conceptual Development Plan Amendment, Rezone to Planned Development, and Tentative Subdivision Map approval for construction of a new mixed-use (commercial/residential) building at 1300 El Camino Real and the adjacent Civic Lane Alleyway; and,

WHEREAS, on June 24, 2008, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, the City Council of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An environmental impact assessment was prepared for the project and determined that the project would have a less than significant impact; and,

WHEREAS, the City Council hereby adopts the staff report dated June 24, 2008, and the facts contained therein as its own findings of facts; and,

SECTION 1: NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Belmont, after consideration of all testimony and reports, the Council hereby determines that the proposed Conceptual Development Plan (CDP) Amendment and Rezoning of the Civic Lane Alleyway to Planned Development (PD) for the proposed mixed-use (commercial/residential) building achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The City Council believes the project is consistent with *Downtown Specific Plan Mixed Commercial/Residential Objective 5.3.2.2: Provide opportunities for mixed use development to simultaneously expand the community's tax base, stimulate redevelopment efforts, and address the growing housing needs within the downtown at select locations both north and south of the Village Center.*

The proposed project would provide mixed commercial and residential uses through the construction of a three & four-story building, encompassing commercial space on the ground floor, and three floors for nine residential condominium units. Additionally, a sub-grade level would be excavated on the project site to provide 14 parking spaces for future residents/commercial tenants of the building. Based upon development plans submitted to the City, the proposed building would be consistent with the Downtown Specific Plan Mixed Commercial/Residential Objectives.

The proposed project would develop an existing vacant lot (and right-of-way to be vacated) with new commercial and residential development, and would support the City's objective to expand its tax base through new commercial activities, stimulate redevelopment efforts by promoting new construction on vacant lands in the downtown, and address the growing housing needs within the

downtown specifically, and the Bay Area in general through the provision of nine condominium units within walking distance of major commercial uses and mass transit facilities.

2. The City Council believes the project is consistent with the following policies of *Downtown Specific Plan Mixed Commercial/Residential Section 5.5* as follows:

5.5.1 Location Policy. Mixed commercial/residential districts shall be located to the north and south of the Village Center on the west side of the El Camino Real as shown on the Land Use Map, Figure 5.1.

5.5.2 Permitted Use Policy. The commercial/residential district shall contain a mix of public, retail office, recreational and high density residential uses.

5.5.7 Building Height Policy. The maximum permissible height shall be 3 stories for buildings on the west side of El Camino Real. Maximum heights within Commercial/Residential districts on the east side of El Camino Real shall be 4 stories. Buildings along El Camino Real and Ralston Avenue shall have a maximum 2 story streetwall to maintain and enhance the views of Belmont Hills, consistent with the Building Height Policy 4.5.2 of the Urban Design Element.

5.5.9 Landscaping Policy. Landscaping shall be utilized to enhance the aesthetic environment of the Downtown. Landscaping requirements shall be dependent upon the types of uses proposed in a mixed use district.

The proposed mixed commercial/residential project would be located on southwest corner of the El Camino Real/O'Neill Avenue intersection, consistent with the provisions of Policy 5.5.1. Furthermore, the project proposes commercial and residential land uses that comply with the intention, direction, and spirit of Policies 5.5.2, 5.5.7, and 5.5.9.

The proposed mixed-use development meets DTSP Mixed Commercial/Residential Objective 5.5 in that it would create a new opportunity to simultaneously expand the community's tax base, stimulate redevelopment efforts, and address the growing housing needs within the City at a location south of the Village Center.

The proposed mixed use building, with commercial (retail and/or restaurant) on the ground floor and residential dwelling units on the upper floors, would be located in downtown Belmont in the "Firehouse Square" Redevelopment Area which envisions the type of building proposed. The proposed use and building design (Spanish eclectic) would be compatible to other land uses in the general neighborhood. The location is served by a state highway and local streets, has easy access to mass transit (bus and CalTrain), and is connected to the Village Center and neighboring downtown area by pedestrian friendly sidewalks. On-site parking is adequate for the residential tenants of the proposed building and ample off-street parking is within walking distance for visitors and customers.

3. The City Council finds that the project is consistent with *General Plan Goal 2006.1 - To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses* as follows:

The proposed development is sited on land that is essentially flat. The site is served by all utility providers and affords adequate ingress/egress and traffic circulation for commercial tenants/customers, residents of the units, and emergency services. The site is in close proximity to both commercial and residential uses which are compatible with the proposed mixed-use project.

4. The City Council finds that the project is consistent with *General Plan Policy 2007.2 - A variety*

of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community as follows:

The proposed development would be compatible with the character of the surrounding neighborhood. In particular, the proposed mixed-use development will be consistent in relation to traffic generation, parking, and noise associated with existing uses in the area. The site location is close to both public transportation and commercial services. The project will provide a lively mix of commercial retail uses and residential units; the provision of housing is necessary to provide alternative residential uses for the area and increase the housing stock for the City. The proposed development will provide greater opportunities to meet the different lifestyles and incomes of people living within the development and community.

WHEREAS, the City Council, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) – for the Rezone and Planned Development Amendment via the Conceptual Development Plan to allow the proposed mixed-use (commercial/residential) building are made in the affirmative for the following reasons:

- 1. That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The proposed development can remain an independent project without disturbing neighboring uses, since the project will be conditioned through performance standards and adherence to mitigation measures required in the Mitigated Negative Declaration. The objective of the C/R Downtown Specific Plan designation is to encourage mixed use of commercial and residential in the downtown area. Further, the subject property is located in a targeted redevelopment area that promotes intensification of mixed use. The proposed development will provide needed residential housing and be compatible with existing uses in the neighborhood. This finding is affirmed.

- 2. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The location is served by a state highway and local streets, has easy access to mass transit (bus and CalTrain), and is connected to the Village Center and neighboring downtown area by pedestrian friendly sidewalks. On-site parking is adequate for the residential tenants of the proposed building and ample off-street parking is within walking distance for visitors and customers.

The proposed use will not place an undue burden on existing transportation, utilities or services in the vicinity. The proposed use is served by two public streets, El Camino Real and O'Neill Avenue that are of capacity to carry the traffic generated by the proposed use. This finding is affirmed.

- 3. That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

The subject property is designated Commercial-Residential (C/R) by the DTSP which encourages

mixed commercial/residential use. Also, the site is located within a targeted redevelopment area of the downtown and would be the first property in that area to implement an intensified land use which is in keeping with the intent of redevelopment objectives to stimulate economic growth and vitality and to provide more housing in the downtown area. This finding is affirmed.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The proposed development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the PD District (and associated amendment). All service levels can be maintained to protect the public health, safety and welfare. This finding is affirmed.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed commercial/residential use building is located within a commercial area and on-street parking is available on El Camino adjacent to the site. In addition, the CalTrain parking lot is directly located across El Camino Real and public parking areas north of the site in the Village and Civic Center areas are located within easy walking distance from the site. A traffic impact analysis conducted by Fehr & Peers in September 2006 reported that the CalTrain parking lot was largely empty during field observations during the day. The site is also served by mass transit; bus service along El Camino Real, and by CalTrain that could alleviate the parking demand.

The objective of the C/R General Plan designation is to encourage mixed use of commercial and residential in the downtown area. Further, the subject property is located in a targeted redevelopment area that promotes intensification of mixed use. In order to meet these objectives, development of an intensified mixed use on the subject site reduces the amount of land area available for parking purposes. The applicant has addressed this practical difficulty by proposing a design solution that requires significant ground excavation (a physical hardship) in order to most effectively utilize the lot area with a below-grade parking garage.

The proposed development is the first application for redevelopment in the envisioned "Firehouse Square" Redevelopment Area, and the associated MND found the parking impacts would be less than significant, largely due to the current availability and adequacy of existing nearby public parking to meet the parking demand required for the highest potential commercial use of the proposed new building. The proposed parking layout provides the maximum possible number of spaces that can be accommodated on-site that is within practical means. This finding is affirmed.

WHEREAS, the City Council, after consideration of all testimony and reports, hereby approves the proposed Tentative Subdivision Map for the mixed-use (commercial/residential) building for the subject property based on the following findings required by Section 9.8 of the Belmont Subdivision Ordinance and Section 5.1 of the Belmont Zoning Ordinance:

- A. *The proposed map is consistent with the applicable general and specific plans.*

The applicant proposes a new building with a commercial floor area of 5,922 square feet and a residential floor area of 15,586 square feet. Approval of the amended Planned Development, Conceptual Development Plan, and Rezone for the mixed commercial/residential use of the site creates the following development standard for the project:

- FAR: Up to 0.6 for Commercial and up to 1.5 for Residential for the mixed-use project with retail commercial uses restricted to the entire ground floor. The associated maximum permitted floor area would be connected to the maximum FAR for the site.

Should the proposed Conceptual Development Plan (CDP) Amendment for the project as described herein, and Rezone of the adjacent Civic Lane Alleyway to Planned Development be approved, General Plan consistency would be fully achieved for the project, and this finding would be affirmed.

B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design of the proposed Tentative Subdivision Map is consistent with the applicable goals and policies of the Downtown Specific Plan and General Plan. With regard to consistency with the CDP, satisfaction of this finding depends upon approval/denial of the requested Planned Development amendment and associated CDP. As discussed above, if the CDP Amendment is approved, General Plan & DTSP consistency would be achieved for the project, and this finding would be affirmed.

C. The site is physically suitable for the type of development.

The site is level, contains no significant environmental constraints, and is located in close proximity to the Village Center making it suitable for intensive mixed use development. The general area is pedestrian friendly and located close to the CalTrain station.

A geotechnical investigation prepared for the project by PGSoils, Inc. in April 2006 concluded that the project would be feasible from a geologic and geotechnical standpoint provided that the recommendations of the geotechnical study are implemented during building design and project construction phases of site development. The main geotechnical constraints for the construction of the proposed building and its basement would be the site's compressible clay soils and the existence of groundwater at or near the base of the basement excavation. A peer review (City Geologist) and concurrence with the findings of the PGSoils, Inc. report is a project condition of approval. Adherence to this condition would reduce the potentially significant geotechnical constraints to less than significant. This finding is affirmed.

D. The site is physically suitable for the proposed density of development.

As discussed above, if the CDP Amendment is approved, General Plan & DTSP consistency would be achieved for the project, and this finding would be affirmed.

- E. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.*

The subdivision will be required to comply with all mitigations outlined in the Mitigated Negative Declaration, the applicant's geotechnical report, and the City Arborist report. No substantial adverse impacts were identified as part of the environmental study for the project. This finding is affirmed.

- F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

All public utilities can serve the proposed project, and the design will not cause serious public health problems. The project will be required to comply with all mitigations in the Mitigated Negative Declaration, conditions of project approval, and Uniform Building and Fire Codes. This finding is affirmed.

- G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.*

The proposed project will not conflict with existing easements. The City will maintain an access easement through the Civic Lane alleyway that is to be utilized for the project down-ramp to the subterranean/parking level. This easement will allow for future access for construction of additional underground parking opportunities envisioned as part of the Firehouse Square Economic Development Target site. The Belmont/San Carlos Fire Authority and Public Works Department have reviewed and approved the circulation plan for the proposed project. This finding is affirmed.

Section 5.1 – Planned Unit Development Subdivisions – Finding

- 1. The Tentative Map conforms to the approved Detail Development Plan and shall constitute approval of any and all deviations from standards contained in this Ordinance.*

This finding is unable to be made in the affirmative until a Detailed Development Plan submittal has been provided for the project. However, should the Planned Development and associated CDP Amendment be approved, the requested DDP is expected to essentially carry forward all approved development standards of the CDP. Upon approval of the DDP, this finding is affirmed.

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the City Council of the City of Belmont approves the Conceptual Development Plan Amendment, Rezone to Planned Development, and Tentative Subdivision Map for construction of a new mixed-use (commercial/residential) building at 1300 El Camino Real and adjacent Civic Lane Alleyway, subject to the Performance Standards attached as Exhibit "A".

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2008.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

EXHIBIT A - PERFORMANCE STANDARDS
CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
REZONE TO PLANNED DEVELOPMENT
TENTATIVE SUBDIVISION MAP
1300 EL CAMINO REAL & ADJACENT CIVIC LANE ALLEYWAY
(APPL. NO.PA2006-0012)

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file in the subject file and date stamped March 12, 2008:
 - A. Minimum Lot Size. 10,399 square feet
 - B. Maximum Floor Area of Uses. Commercial – 5,922 sq. ft., Residential – 15,586 sq. ft, Parking Garage/Ramp – 7,500 sq. ft. Entire PD – 29,008 sq. ft. Retail Commercial uses are required on the entire ground floor.
 - C. Floor Area Ratio – Commercial & Residential Uses Only. Commercial Uses - 0.6, Residential Uses – 1.6, Entire PD – 2.2
 - D. Residential Density. A maximum of 9 residential units, equivalent to 37 dwelling units per acre.
 - E. Minimum Setbacks and Building Separations: Setbacks from the public right-of-way and separations between buildings shall be no less than shown on the plans date stamped March 12, 2008 in the subject file.
 - F. Maximum Building Height: 50 feet; Minimum height of the ground floor commercial space is 13-14 feet.
 - G. Off-Street Parking: At least 14 parking spaces in the parking garage.
 - H. Open Space (Includes Landscape, Hardscape, Ground Floor & Units Decks): Minimum 3,670 Sq. Ft.
 - I. Building Materials: The project shall include use of true materials, such as stucco, stone, wood, and/or glass.

2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
3. Exterior building lighting shall not spill off the property or cause significant glare for adjacent properties. All external project lighting shall be downcast or upcast, shielded lighting designed to illuminate entry-ways only, with no direct visibility of the light source from the street.
4. Prior to issuance of building permits for the project, the applicant shall submit a full set of plans (as submitted for Planning Commission review) for peer review by the City Geologist who shall make findings as to concurrence with the PGSoils, Inc. Geotechnical Investigation dated April 2006 and as to additional conditions of project approval that may be imposed by the City Geologist to include, but not limited to, plan review by Geotechnical consultant during building permitting process and field inspection by Geotechnical consultant during construction as prescribed in the report.
5. Prior to issuance of building permits for the project, the applicant shall submit a detailed analysis of acoustical requirements to ensure that interior noise levels of 45 dBA (CNEL) or less are achieved in all residential units and that outdoor areas are designed to achieve the City's exterior noise guideline of 65 dBA (CNEL) for the residential uses.
6. Prior to the issuance of building permits for the project, the applicant shall submit a signage plan which shall be approved by the Planning Commission.
7. Prior to issuance of building permits for the project, the applicant shall provide revised a site plan and basement and ground floor layouts which shall be approved by Planning Commission, to include:
 - Accommodation of bicycle parking near front entrance
 - Installation of a Photovoltaic/Solar System for the roof
 - Mirrors along ramp in parking garage, signage at the Civic Lane entrance and flashing lights for exiting vehicles onto O'Neill Avenue to ensure safe ingress/egress of vehicles
8. Prior to issuance of building permits, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.

9. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
10. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.
11. The applicant shall also contribute a Park-In-Lieu Fee as per Section 6.10 of the Belmont Subdivision Ordinance to fund improvement of existing or future park facilities within the City. The Park-In-Lieu fee amount shall be determined at recordation of the final map for the subdivision.

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. Plans shall conform to approved plans and shall show building materials and color scheme.
2. Plans shall show/provide for: building materials and color scheme, trash enclosures/mechanical equipment, signage height, detailed landscape and irrigation plan, property maintenance, CC & Rs, archeology finds, transformers, fire standpipes, and back flow preventers.
3. Post hours of operation and phone numbers for noise complaints.

II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.
 1. Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works.
 2. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of

Public Works approved standards. Photographs or video of before condition are recommended.

3. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
4. A commercial driveway approach shall be installed in accordance with Department of Public Works approved standards.
5. The boundaries of a FEMA special hazard flood zone shall be shown on the grading and drainage plan.
6. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.
7. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system.
8. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465)).
9. To control concentrated flow, drainage from paved surfaces, including streets, parking lots, driveways, and roofs, shall be routed through swales (also known as vegetated channels), buffer strips, or sand filters prior to discharge into the storm drain system. Sand filters shall be inspected and cleaned on a biannual basis. The property owner or association shall be responsible for inspection and maintenance.
10. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. (Refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465):
 - a. For walking and light traffic areas, permeable pavements shall be used where feasible. Typical pervious pavements include pervious concrete, porous asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.
 - b. Parking lots shall include hybrid surfaces (pervious material for stalls only), concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
 - c. The landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
 - d. For outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable stormwater controls include siting or set back from

drainage paths and water ways, and provision of roofing and curbs or berms to prevent run on and run off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.

11. New buildings such as food service facilities and/or multi-family residential complexes or subdivisions shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
12. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities, the drains shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer.
13. Submit subdivision plans in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final plans shall be drafted in AutoCAD and submitted on CD-ROM.
14. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the subdivision.
15. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
16. The applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, such as by adding them to the regular recycle stream for on-site pick up by BFI or by returning them for redemption.
17. Food service facilities (including restaurants and grocery stores) shall have a sink or other floor mat, container, and equipment cleaning area, which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm drain. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in

this area. Regular maintenance and cleaning of the grease interceptor is required and may be subject to periodic inspections conducted by municipal staff.

18. An appropriately equipped facility that drains to the sanitary sewer must be provided for washing and/or steam cleaning activities. These conditions shall be required for automotive related businesses.
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
 1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
 2. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. All or a portion of the proposed improvements are located within a FEMA special flood hazard area. The applicant shall provide certification to the Public Works Department that the proposed construction meets all the FEMA requirements for construction within a flood zone.
 4. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
 5. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.
 - a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
 - b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.

- c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
 - d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
 - e) Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
6. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.
7. The proposed development may add or replace the impervious surface area of the property. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.
8. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
9. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
10. Sanitary sewer to include a back flow prevention device.
11. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.
12. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
- a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual

(available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).

- c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
 - g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
13. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.
14. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
15. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices.
16. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
17. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.

18. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
19. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
20. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. Drains within the trash enclosure will be connected to the sanitary sewer system.
21. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
22. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
23. All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
24. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.
25. The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
26. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.
27. The owner/applicant shall perform a video inspection of the sewer lateral from the house/building to the sewer main, submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
28. The subdivision agreement shall provide for payment of all City inspection and plan check charges associated with the installation of public and private improvements including, but not limited to, streets, sanitary sewers, storm drains and street lights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess its costs. A refund or additional charge will be made at the conclusion of construction.
29. The subdivision agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City’s Consultant Geologist in accordance with the City’s Grading Ordinance.

30. Loading docks shall be covered, surrounded by berms or curbs or otherwise constructed to prevent drainage onto or from the area. Water used for washing and accumulated waste shall be diverted to the sanitary sewer.
 31. Outdoor storage areas for oils, fuels, solvents, coolant, and other chemicals shall be designed to provide secondary containment such as berms and roof covers. Process equipment sited outdoors shall be placed on an impermeable surface and covered. Property owners/associations shall implement a regular program of sweeping and litter control at these sites.
 32. Fuel dispensing areas shall be on impermeable surfaces extending 10 to 12 feet beyond the actual dispensing area and shall be covered. They shall be constructed to prevent drainage across or from the dispensing area, and must drain to a sump/tank or clarifier to allow for testing and/or interruption of storm water flow before discharge to the storm drain system. Filters and/or oil/water separators shall be installed in the storm drains and must be inspected and cleaned at appropriate intervals by the property owner/operator.
 33. Restaurants and kitchens shall be designed with contained areas for cleaning and outdoor washdown connected to the sanitary sewer. Areas designated for grease storage for recycle or disposal pickup shall be contained.
 34. For stream erosion control, the stormwater discharge must pass through an erosion control structure such as an energy dissipater or other form of outlet protection prior to entering the stream. Bioengineered controls shall be used for stream bank protection as feasible.
 35. Location of monument signs must be determined by a licensed engineer who will certify that line of sight will not be blocked and there is sufficient sight distance at the intersection. Engineer shall provide analysis to the City for review.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials (i.e., brick pavers) within the public right-of-way.
 2. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
 3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.

4. A portion of the proposed work is within the State of California right-of-way. The applicant should contact the California Department of Transportation (Caltrans) to obtain an encroachment permit for this portion of the work.
5. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.
6. “As-built” drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
7. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
8. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, but are not limited to, the following:
 - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
 - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 - e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 - f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i. Limit construction access routes and stabilize designated access points.
 - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
9. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization

program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

10. The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.
11. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private. A copy of the final subdivision map including property liens, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCad drawing files (scale 1"= 2').
12. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

D. Additional Conditions

1. Install backflow devices for sewer lateral.
2. Connect storm drain line to the inlet at the SW corner of O'Neill and El Camino Real. No curb drain shall be used. Provide calculation to show if existing storm line in the street is sufficient.
3. Install standard ADA compliance curb ramp at the SW corner of O'Neill and El Camino Real.
4. Show all easements on site.
5. A door at the west side of the building is opening to the property next door where a garage is located. Written permission is required which shall be recorded in the title for access.
6. Show retaining wall details. Footing and excavation shall not encroach onto adjacent properties.
7. Show full size car template that vehicle will not bottom out and the car can make the turn at the driveway ramp. Show vertical curves for grade changes.

8. Remove and replace broken sidewalk, curb and gutter on El Camino Real. Install new sidewalk, curb and gutter along O'Neill. All sidewalks and driveways shall be brick pavers per downtown redevelopment area sidewalk details.
9. The tentative map is not clear whether this is a retaining wall at the corner of the intersection. Show analysis to ensure the wall is not blocking line of sight.
10. Overlay half side of O'Neill Avenue fronting the property.
11. Submit applications for gas and electric services with PG&E.
12. Abandon Civic Lane and purchase half of the alley for the construction of the building.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT/SAN CARLOS FIRE DEPARTMENT:

1. An approved automatic fire sprinkler system meeting the current ordinance requirements of the Belmont/San Carlos Fire Department shall be provided.
2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet Belmont/San Carlos Fire Department standards.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:

Carlos de Melo, Community Development Director

Date